IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 2264 of 1997

Between:

Smt. A.Laxmi W/o Late. A.Devadas
r/o H.No.1-3-1026, MCH Colony ,
Kavadiguda , Hyderabad.

..... PETITIONER

AND

Mandal Revenue Officer Musheerabad Mandal ,
Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of writ of certiorari calling the records of the proceedings No.C/1482/94, dated 01-02-1997 of the respondent in seeking eviction from H.No.1-3-1026, MCH Colony, situated at Singadikunta Slum in Ward No.1 Block No.III, Circle No.3, MCH or otherwise T.S No.26, B.C.W 76, Bakaram Village, admeasuring 25 sq.yds of land with H.No.1-3-1026, and quash the same and declare the action of respondent in initiating the proceedings under the land Encroachment Act, 1905 as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.C.NAGESWARA RAO

Counsel for the Respondent: GP FOR REVENUE

The Court made the following:

O R D E R:

Questioning the show cause notice No.C/1482/94, dated 01.02.1997 issued under Section 7 of the A.P. Land Encroachment Act, 1905 (for short “the Act”), calling upon the petitioner to show cause as to why the order should not be passed for eviction under Section 6 of the Act, the present writ petition has been filed. .

2. The petitioner has not submitted any explanation to the show cause notice issued under Section 7 of the Act, but filed the present writ petition contending that the cluster of houses, where the petitioner’s house is situated, is identified as slum and declared as such. In view of the same, the provisions of the Act are inapplicable.

3. Learned counsel for the petitioner is neither in a position to say as to how the provisions of the Act are inapplicable nor in a position to produce any evidence about the slum declaration of the petitioner’s house.

4. In view of the same, the petitioner can submit her explanation to the show cause notice No.C/1482/1994, dated 1.2.1997, within two weeks from the date of receipt of a copy of this order and raise all the grounds, including the applicability of the Act, and declaration of the slum where the house of the petitioner is situated. On filing such explanation, the respondent shall consider the same and pass appropriate orders. If any adverse orders are passed by the respondent, the same shall be

communicated to the petitioner so as to enable her to avail the remedies available under law.

5. The Writ Petition is accordingly disposed of. No costs.

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A.GOPAL REDDY, J.

Dated: 29.10.2004

GS

To

1. Mandal Revenue Officer Musheerabad Mandal,
Hyderabad.

2. Two C.Cs to the G.P. for Revenue, High Court of A.P.

Hyderabad (OUT)

3. Two C.D. Copies.